

P. Andrew McStay, Jr., OSB No. 033997
 DAVIS WRIGHT TREMAINE LLP
 560 S.W. Tenth Avenue, Suite 700
 Portland, Oregon, 97205
 +1 (503) 241-2300
 +1 (503) 778-5299 facsimile
 andymcstay@dwt.com

Matthew S. Warren (*pro hac vice* pending)
 Erika H. Warren (*pro hac vice* pending)
 WARREN KASH WARREN LLP
 2261 Market Street, No. 606
 San Francisco, California, 94114
 +1 (415) 895-2940
 +1 (415) 895-2964 facsimile
 25-880@cases.warrenlex.com

Attorneys for Defendant RLH Assets, LLC d/b/a Foodwit

UNITED STATES DISTRICT COURT
 DISTRICT OF OREGON
 PORTLAND DIVISION

ESHA RESEARCH, LLC, an Oregon limited
 liability company,

Plaintiff,

v.

RLH ASSETS, LLC d/b/a FOODWIT, an Oregon
 limited liability company,

Defendant.

Case No. 3:25-cv-00880-JR

**DECLARATION OF MATTHEW S.
 WARREN IN SUPPORT OF
 FOODWIT'S REPLY
 IN SUPPORT OF MOTION TO
 DISMISS FIRST AMENDED
 COMPLAINT**

I, Matthew S. Warren, declare under 28 U.S.C. § 1746:

1. I am an attorney licensed to practice in the States of California and New York, and the Commonwealth of Massachusetts. On May 29, 2025, I filed a motion for leave to appear *pro*

hac vice in this action. Docket No. 23. I am a partner at Warren Kash Warren LLP, counsel for defendant RLH Assets, LLC d/b/a Foodwit in this action. I have personal knowledge of the matters set forth herein and, if called as a witness, could and would testify competently thereto.

2. Attached as Exhibit 3 is a true and correct copy of a letter from me on July 23, 2025.
3. Attached as Exhibit 4 is a true and correct copy of an email from Cary Sullivan on July 23, 2025.
4. Attached as Exhibit 5 is a true and correct copy of an email from me on June 27, 2025.
5. Attached as Exhibit 6 is a true and correct copy of an email from Cary Sullivan on June 27, 2025.
6. Attached as Exhibit 7 is a true and correct copy of an email from me on June 29, 2025.
7. Attached as Exhibit 8 is a true and correct copy of an email from me on July 1, 2025.
8. Attached as Exhibit 9 is a true and correct copy of an email from Cary Sullivan on July 1, 2025.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 29, 2025, at San Francisco, California.



Matthew S. Warren